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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 WOODFIN SUITE HOTELS, LLC et al)	CASE NO. C06 1254
14 Plaintiffs,)	
15 vs.)	MEMORANDUM IN SUPPORT OF
16 CITY OF EMERYVILLE,)	MOTION FOR LEAVE TO FILE BRIEF
17 Defendant)	<i>AMICI CURIAE</i>
18)	DATE: December 5, 2006
	TIME: 1:00 p.m.
	Courtroom 3, Oakland
	Hon. Sandra B. Armstrong

19
20 **I. INTRODUCTION AND SUMMARY OF ARGUMENT**

21 Leave should be granted *amici* to file a brief supporting the City's motion for
22 summary judgment so the Court is made aware of additional legal authorities on the
23 arguments made by the City, such as several decisions rejecting similar challenges to laws
24 similar to Measure C.

25 Also, counsel for *amici* are familiar with the rationale underlying the Emeryville

ordinance, and thus well-suited to explain why it has a rational basis and hence passes muster under the U.S. Constitution.

II. BASIS FOR THE MOTION

"*Amicus curiae* presentations assist the court by broadening its perspective on the issues raised by the parties. Among other services, they facilitate informed judicial consideration of a wide variety of information and points of view that may bear upon important legal questions." Bily v. Arthur Young, 3 Cal. 4th 370, 405 n. 14 (1992).

The brief lodged herewith contains numerous authorities not cited by the City, such as several decisions agreeing with the Curry and Washington Service Contractors cases cited by the City. The proposed brief also contains additional authorities showing the reasoning behind the provisions of Measure C.

III. INTERESTS OF AMICI CURIAE

Amici are a group of legal services and community organizations dedicated to fighting working poverty in the Bay Area and across the United States. They are united by a common interest in ensuring that cities such as Emeryville retain the authority to promote family-supporting jobs for low-income residents through policies such as living wage laws.

Amici are the following organizations:

Founded in 1995 in honor of U.S. Supreme Court Justice William Brennan, *amicus* Brennan Center for Justice at New York University School of Law ("Brennan Center") promotes research, public education and policy reform on issues involving poverty, political participation, and criminal justice. In particular, the Brennan Center works with state and local governments across the nation to promote good jobs for low-income families through living wage and minimum wage policies. In the Bay Area, the Brennan Center has assisted communities such as San Francisco, Berkeley and Hayward in developing and defending living wage laws. The Brennan Center is currently advising cities across the United States

1 that, like Emeryville, are exploring living wage laws for key low-wage industries such as the
2 hotel, janitorial and retail sectors.

3 *Amicus* Legal Aid Society - Employment Law Center ("LAS-ELC"), founded in
4 1916, provides free legal services to those who cannot afford private counsel. Since the
5 1970's, the LAS-ELC has addressed employment problems of the indigent and working poor
6 in the Bay Area. Through a combination of impact litigation and direct services, the
7 LAS-ELC assists approximately 2000 clients per year with legal advice on issues ranging
8 from employment discrimination to the collection of unpaid wages. Using the law as a tool,
9 the LAS-ELC helps workers attain financial security by preserving and improving working
10 wages and conditions.

11 Since its founding in 1988 by law students at the University of California at
12 Berkeley's Boalt Hall School of Law, *amicus* East Bay Community Law Center ("EBCLC")
13 has become the largest provider of free legal services in the East Bay and a
14 nationally-recognized poverty law clinic. Since 1995, EBCLC's Community Economic
15 Development practice has provided legal assistance to community groups and coalitions
16 working toward long-term, innovative solutions to poverty in the East Bay. Building on
17 previous efforts such as the development of the People's Credit Union and construction
18 sector apprenticeship and living wage efforts, EBCLC supports grassroots economic justice
19 campaigns through the provision of technical assistance, legal research, policy and media
20 advocacy, popular education, community outreach, coalition support and litigation.

21 *Amicus* East Bay Alliance for a Sustainable Economy ("EBASE") brings together
22 labor, community, and faith-based organizations and leaders to end low-wage poverty and
23 create economic equity in the San Francisco East Bay region. EBASE is a 501(c)(3)
24 organization supporting research, policy development, coalition building, and leadership
25 development around issues impacting the low-wage workforce. EBASE led the campaigns

1 to enact living wage laws in Berkeley, Oakland, and Emeryville, and has worked closely
2 with local governments to implement those measures.

3 **IV. CONCLUSION**

4 Leave should be granted to file the brief lodged herewith of *amici curiae*.

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6 Dated: October 17, 2006

Respectfully submitted,

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